

**HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**

**CRIMINAL PETITION No. 8534 of 2018**

**ORDER :**

The petitioners are accused 1 and 2 of Crime No. 54 of 2018 of Kazipet R.P.F, registered for the offences punishable under Sections 20 B r/w 8(c) of the N.D.P.S. Act. for their alleged conscious possession of 26 kgs of dry ganja, which was kept in several bags, that was seized having been apprehended and arrested also from their disclosure of the said baggage contained the dry ganja.

2. The petitioners went unsuccessful in seeking bail vide dismissal order in CrI. Petition No.315/2018 dated 08.06.2018 and 418 of 2018 dated 02.07.2018 and 480/2018 dated 26.07.2018 passed by the learned First Additional Sessions Judge, Warangal.

3. The contentions in the present bail application are that the accused are innocents and falsely implicated and they were not even found in possession of any baggage containing the ganja and the earlier dismissal of the three bail applications by the learned Sessions Judge are without proper appreciation of the facts.

4. The learned Public Prosecutor opposed the bail application in support of the dismissal orders of the learned Session Judge,

5. Heard learned Counsel for the petitioners and learned Public Prosecutor representing the State of Telangana and perused the material on record

6. For a commercial quantity involved, the twin requirements of the Section 37 of the N.D.P.S. Act was to be shown of not applicable, without which there is no question of entitlement. The contraband seized is from

the baggage kept at and just nearby and the prosecution case including from the panchanama is, on seeing the RPS police, when they are trying to skulk away leaving the baggage, they were apprehended and then questioned, they made a disclosure from which the seizer taken place of the ganza contained in the different bags of commercial quantity supra. It satisfies with the requirement of the conscious possession as contemplated by Section 54 of the N.D.P.S Act with guilty state of mind of the presumption. This Court has to draw the attention under Section 35 of the N.D.P.S Act and nothing to show any of the mandatory provisions not followed without prejudiced to the rights of the accused and once such is the case, the question of non application to attract the bar of the twin requirement cannot be raised much less to take.

7. Having record to the above, there are no grounds to grant bail even the petitioners are in custody since 01.05.2018. Accordingly, this petition is dismissed.

8. The petitioners are entitled for early disposal after filing of the charge sheet following the expression of the Apex Court in **Thana Singh Vs. Central Bureau of Narcotics**<sup>1</sup>

Miscellaneous petitions pending, if any, shall stand closed.

---

**Dr.B.SIVASANKARA RAO,J**

**20<sup>th</sup> August, 2018**

JR

---

<sup>1</sup> 2013 (2) DCR CrI. 280 (SC)

**HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**



**CRIMINAL PETITION No. 8534 of 2018**

**20<sup>th</sup> August, 2018**

JR

**HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**

**CRIMINAL PETITION No. 8336 of 2018**



**7<sup>th</sup> August, 2018**

JR

